

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
GREEN MARINE SERVICES,)
LTD. (M/V MERLIN),)

PCHB No. 79-168

Appellant,)

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

v.)

PUGET SOUND AIR)
POLLUTION CONTROL)
AGENCY ,)

Respondent.)

THIS MATTER, the appeal from the issuance of a \$250 civil penalty for the alleged violation of Section 9.03 of respondent's Regulation I having come on regularly for formal hearing on the 18th day of December, 1979 in Seattle, Washington, and appellant, Green Marine Services, Ltd. (M/V Merlin) appearing through its operations manager, Dennis Carlsen and respondent, Puget Sound Air Pollution Control Agency, appearing through its attorney, Keith D. McGoffin; and Board member present at the hearing being Chris Smith with Nancy E. Curington, hearing officer presiding, and the Board having considered

1 the exhibits, records and files herein, and having reviewed the
2 Proposed Order of the presiding officer mailed to the parties on the
3 21st day of December, 1979, and more than twenty days having elapsed
4 from said service; and

5 The Board having received no exceptions to said Proposed Order and
6 the Board being fully advised in the premises; NOW THEREFORE,

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said Proposed
8 Order containing Findings of Fact, Conclusions of Law and Order dated
9 the 21st day of December, 1979, and incorporated by reference herein
10 and attached hereto as Exhibit A, are adopted and hereby entered as
11 the Board's Final Findings of Fact, Conclusions of Law and Order
12 herein.

13 DATED this 30th day of January, 1980.

14 POLLUTION CONTROL HEARINGS BOARD

16 
17 NAT W. WASHINGTON, Chairman

18 
19 CHRIS SMITH, Member

20 
21 DAVID AKANA, Member

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GREEN MARINE SERVICES,)
LTD. (M/V MERLIN),)
Appellant,)
v.)
PUGET SOUND AIR)
POLLUTION CONTROL)
AGENCY,)
Respondent.)

PCHB No. 79-168

PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, the appeal from the issuance of a \$250 civil penalty for the alleged violation of Section 9.03 of respondent's Regulation I, came before the Pollution Control Hearings Board, Chris Smith, Member, at a formal hearing in Seattle, Washington on December 18, 1979. Nancy E. Curington, Administrator, presided.

Appellant was represented by Dennis Carlsen, Operations Manager of Green Marine Services, Ltd. Respondent was represented by its attorney, Keith D. McGoffin.

EXHIBIT A

1 Having considered the testimony, evidence and contentions of the
2 parties, the Pollution Control Hearings Board takes these

3 FINDINGS OF FACT

4 I

5 Pursuant to RCW 43.21B.260, respondent has filed with the Board
6 a certified copy of its Regulation I and amendments thereto, which
7 are noticed.

8 II

9 On August 30, 1979 at approximately 2:08 p.m., respondent's
10 inspector observed black smoke rising from the M/V "MERLIN" at Pier
11 D at the Port of Everett. After arriving at the vessel, the
12 inspector observed the smoke rising from the stack of the ship's
13 galley stove. He took a reading of the smoke, obtaining a reading
14 of 50-60% opacity for twenty minutes. He then met the chief officer
15 who was in charge at the time; Notice of Violation No. 16484 for the
16 alleged violation of Section 9.03(b) (2) of respondent's Regulation I
17 was issued to the chief officer at that time. On September 21,
18 1979, respondent sent to the appellant by certified mail Notice an
19 Order of Civil Penalty No. 4415, assessing a fine of \$250; such
20 civil penalty is the subject of the instant appeal.

21 III

22 After the chief officer was notified of the emission, he caused
23 corrective measures to be taken.

24 IV

25 Section 9.03(b) (2) of respondent's Regulation I makes it
26 unlawful for any person to cause or allow the emission of an air

27 PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

1 contaminant for a period totalling more than three minutes in any
2 one hour of an opacity of 20% or more.

3 V

4 Any Conclusion of Law which should be deemed a Finding of Fact
5 is hereby adopted as such.

6 From these Findings the Board comes to these

7 CONCLUSIONS OF LAW

8 I

9 On August 30, 1979 appellant violated Section 9.03(b) (2) by
10 causing the emission of black smoke exceeding the limits established
11 by the regulations.

12 II

13 Although the chief officer acted promptly to correct the
14 excessive emissions once it was brought to his attention, given the
15 duration and degree of the violation, the amount of the civil
16 penalty is reasonable and should be affirmed.

17 III

18 Any Finding of Fact which should be deemed a Conclusion of Law
19 is hereby adopted as such.

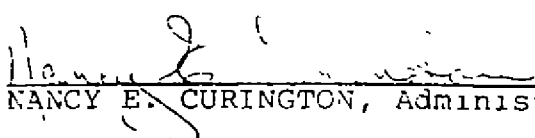
20 From these Conclusions, the Board enters the following

21 ORDER

22 The \$250 civil penalty is affirmed.

23 DATED this 21st day of December, 1979.

24 POLLUTION CONTROL HEARINGS BOARD

25 
26 NANCY E. CURINGTON, Administrator

27 PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER